1942

File No. B Rent Restriction /42

Legal DEPARTMENT

B BRANCH

K

Subject:—

P. 12-E

Governor's Bill No IX of 1942.

A Bill to amend

the Bombay Rent Restriction

Act, 1939.

Amendment of S. 1

Rent Restriction Act

File No. Rent Restriction, etc.

Std. Scott Slip 21-B

39-B.

C O N T E N T S

Legal Department File No. D Rent Restriction/43

Or.I No.	Compilation No.	Subject	Pages
		Bihar Rent Restriction (Amount) Act, 1939	
1.	U.O. to G. No. 161 dt. 8-1-1943	Draft Bill	1-3
2.	———	Press Note published in the B.G.G. Extra Ord'y dt 13-3-43	5
3.	L.D. Letter No 2510 dt. 2-3-43	Forwarding copy of Bill to the Governor	7-11
4.	Governor's S.O.C/O Office No. 201(57) dt. 26-3-43	Accentia of the G.G.	13
5.	G.G. L.D. No. 2704 dt. 28.3.43	Publication of the Act	15-19
6.	R.I. No 3119 dt. 31.3.43	Authentic copy of the Bill with G.G.'s assent	21
7.	———	Governor's Bill No IX of 1943	23
8.	———	Bihar Act No. 7 of 1943	25-58

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Office of the R.L.A.

The draft Bill at page 3 ante is in order.

2. Under Secretary to the Governor's Circular No.201(12) dated 4th August 1941 a full statement of the objects and reasons is required to be attached to every Governor's Act promulgated. The papers will also have to be submitted to all the Advisers. (See Sec.G's Circular No.201(41) dated 30th September 1941).

3. Under executive instructions, the Bill requires the previous concurrence of the Governor General before enactment (See sec G's Circular No. 201(12 dated 18th December 1939). The subject matter of the Bil falls under entr No 21 inList II and entries No 8,9,10 and 15 in List III of the Seventh Schedule to the Government of India Act,1935. As sections 5, 10 and 11 of the Bombay Rent Restriction Act, 1939, are repugnant to the provisions of the existing Indian Law contained in sections 108(p) and 108(q) of the Transfer of Property Act, 1882, and as section 13 is repugnant to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small Causes Courts Act, 1882, and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of the Governor-General with reference to para (2) of the Proclamation and section 107(2) of the Government of India Act, ~~1935~~ 1935.

Sd/- P.N.H. 7/1

Remembrancer of Legal Affairs

U.O.to G.D. No. 161 dated the 8th January 1942

Hr/28/4.

Governor's Bill No of 194

A Bill to amend the Bombay Rent Restriction Act, ~~1939~~ 1939.

Whereas it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing;

Bom. XVI of 1939.

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November ~~1939~~ 1939, issued by him under section 93 of the Government of India Act 1935, all powers vested by or under the said Act in the Provincial Legislature;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:-

Short title and Commencement.

1. (1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1942.

(2) It shall come into force on 31st March 1942.

Amendment of section of Bom. XVI of 1939.

2. In sub-section (3) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1942" the figures "1943" shall be substituted.

Hr/23/4

Immediate.

No. 2519

Legal Department
Bombay Castle, 20th March 1942

From

P.N. Lisse, Esquire Barrister-at-Law, I.C.S.
Secretary to the Government of Bombay.

To,

The Secretary to the Governor of Bombay

Subject:- A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

With reference to your Memorandum No. 4291(57), dated the 11th March 1942 addressed to the General Department, on the above subject, I am directed to forward herewith a copy of the Bill to amend the Bombay Rent Restriction Act, 1939, prepared by His Excellency the Governor of Bombay under paragraph (2) of the Proclamation dated the 4th November ~~1939~~ 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill effects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry No. 21 in List II and entries Nos. 4, 8, 10 and 15 in List III of the seventh Schedule to the Government of India Act, 1935. As sections 5, 10 and 11 of the Bombay Rent Restriction Act, 1939, are repugnant to the provisions of the existing Indian law contained in sections 108(1) and (10), (q) of the Transfer of Property Act, 1882, and as section 13 is repugnant to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small Causes Courts Act, 1882, and as the Bill is intended to extend the life of the Bombay Rent

Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of the Governor-General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. I also forward herewith six spare copies of the Bill out of which five copies are for transmission to the Secretary to the Governor-General (Public).

5. It is requested that His Excellency the Governor-General may be moved to give his assent to the Bill before 31st March 1942 and to convey the assent by telegram as the old Act expires on that day and the new Act must come into force on that date.

I have the honour to be,
Sir,

Your most onedient servant,

Sd/-
Jd. P.N.M.
28/3

Secretary to the Government of Bombay
Legal Department.

Through

The Secretary to the Government of Bombay,
General Department.

Mr/28/4

No. 201 (57)

Office of the Governor's Secretary
Government House

From

J.B. Irwin, Esquire, I.C.S.(I.C.),
Secretary to the Governor of Bombay.

To,

The Secretary to Government,
Legal Department

Bombay, 26th March 1942

Subject :- A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

With reference to your letter No. 2519, dated the 20th March 1942, I am directed to inform you that intimation has been received from the Secretary to the Governor General (Public) that His Excellency the Governor-General assented to the Bombay Rent Restriction (Amendment) Bill, 1942, on the 25th March 1942.

I have the honour to be,
Sir,

Yours most obedient servant,
Sd/-
for Secretary to the Governor of Bombay

Mr/23/4

Acts.
Publication of the Bombay Rent Restriction (amendment) Act, 1942

GOVERNMENT OF BOMBAY
Legal Department
Resolution No.2804.
Bombay Castle, 28th March 1942

Letter to the Secretary to the Governor, No 2519, dated the 20th March 1942.

Letter from the Secretary to the Governor, No.201(57), dated the 26th March 1942.

"With reference to your letter No. 2519, dated the 20th March 1942, I am directed to inform you that intimation has been received from the Secretary to the Governor General(Public) that His Excellency the GovernorGeneral assented to the Bombay Rent Restriction (Amendment) Bill, 1942, on 25th March 1942.

RESOLUTION:- The Law should be published as Bombay Act, No VII of 1942, in the Bombay Government Gazette dated the 28th March 1942.

2. The Act should be translated into Marathi, Gujrati, Kannad and Hindustani (in Urdu and Devnagari Scripts) and the translations should be published in the Bombay Government Gazette.
3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Sd/- S.D.P.

P.N.Moos

For Secretary to Government.

To.
The Manager, Government Central Press, Bombay,
(with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department).
The General Department
* The Oriental Translator to Government.) With a copy
The Secretary to the Bombay Legislative Council) of the
The Secretary to the Bombay Legislative Assembly) Act.

* With five extra copies.

Mr/28/4

No. 201(57)

Office of the Governor's Secretary,
Government House,

Bombay 31st March 1942

From:

J.B.Irwin, Esquire, DSO.,MC.,ICS.,
Secretary to the Governor of Bombay

To:

The Secretary to Government ,
Legal Department, Bombay

Subject:- The Bombay Rent Restriction (Amendment) Bill, 1942

Sir.

In continuation of my letter No 201(57), dated the 26th March 1942, I am directed to forward herewith the authentic copy of the Bill to amend the Bombay Rent Restriction Act, 1939, with His Excellency the Governor General's assent signified thereon.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

For Secretary to the Governor of Bombay

Mr/3/5

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY.

SATURDAY, 28TH MARCH 1942.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	Pages
BOMBAY ACT No. VI OF 1942—An Act to amend the Bombay Finance Act, 1932	85-87
BOMBAY ACT No. VII OF 1942—An Act to amend the Bombay Rent Restriction Act, 1939	89

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 26th March 1942 is hereby published for general information.

P. N. MOOS,

Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VI OF 1942.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 28th March 1942.)

An Act to amend the Bombay Finance Act, 1932.

WHEREAS it is expedient to amend the Bombay Bom. II of 1932. Finance Act, 1932, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under Geo. 5, section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Finance (Amendment) Act, 1942.

(*2*) It shall come into force on 31st March 1942.

Amendment of section 2 of Bom. II of 1932.

2. In sub-section (*3*) of section 2 of the Bombay Bom. II of 1932. Finance Act, 1932 (hereinafter called "the said Act"), for the word "ten" the word "eleven" shall be substituted.

Amendment of section 15 of Bom. II of 1932.

3. In section 15 of the said Act,

(*1*) in sub-section (*2A*), in the proviso, for the words and figures "by a member of a stock exchange recognised under the Bombay Securities Bom. [redacted] of [redacted]. Contracts Control Act, 1925, to the clearing house of such stock exchange" the words and figures "to the clearing house of a stock exchange recognised under the Bombay Securities Bom. VIII of 1925. Contracts Control Act, 1925" shall be substituted;

(*2*) in sub-section (*5*), in clause (*dd*)—

(i) in Article 20A, the words "by a member of a recognised stock exchange on his own account or on account of any other person" and the words "by such member" shall be deleted;

(ii) in the Explanation to the said Article 20A, the words "by the members" shall be deleted.

Amendment of section 22 of Bom. II of 1932.

4. (*1*) In section 22 of the said Act, for the word "eight" the figures "$7\frac{2}{3}$" and for the word "four" the figures "$3\frac{5}{6}$" shall respectively be substituted.

(*2*) Nothing contained in this section shall affect the liability of any person to pay the Urban Immoveable Property tax in respect of any building or land or portion thereof, for any period prior to the date of the coming into force of this Act at the rate at which it was leviable before such date.

Amendment of section 23 of Bom. II of 1932.

5. In section 23 of the said Act—

(i) in clause (*c*) the word "and" where it occurs for the last time shall be deleted;

(ii) after clause (*d*) the following shall be inserted, namely :—

"and

(*e*) open lands within the limits of the Bombay Suburban and Thana Districts."; and

(iii) in the Explanation after the words "separate property" the following shall be inserted, namely :—

"(*3*) 'open land' shall mean land which is not built upon or enclosed."

STATEMENT.

The Bombay Finance Act, 1932, containing provisions for the imposition of an Electricity duty, enhanced Stamp duties and Court-fees and the Urban Immoveable Property Tax expires on the 31st March, 1942. Government has decided that the Electricity duty and the enhanced Stamp duties and Court-fees should be continued without reduction and that the rates of the Urban Immoveable Property Tax should, with effect from the 1st April, 1942, be reduced from 8% to $7\frac{2}{3}$% and from 4% to $3\frac{5}{6}$%. The consequent reduction in the receipts from this tax is estimated to be

Rs. 4 lakhs per annum and corresponds to the further increase now anticipated in excise revenue on account of certain modifications which, in consonance with judicial decisions, Government effected in its prohibition arrangements. Government has undertaken to grant relief in respect of the Urban Immoveable Property Tax to the extent of such increase in excise revenue.

2. Opportunity has been taken of the renewal of the Finance Act to make the following amendments :—

(1) The Stamp Act provides for a duty being levied only on a clearance list submitted by a member of a recognised Stock Exchange. Under the rules of recognised Stock Exchanges a member who is declared a defaulter ceases to be a member and it is not legally possible for the Stock Exchange to recover Stamp duty on the transactions entered into by a defaulter. The amendment is intended to remove this difficulty.

(2) In the Bombay Suburban and Thana Districts it has been found that the return from the Immoveable Property Tax on lands not built upon or enclosed is negligible and the Act has been amended in order to exempt such properties from the levy of the tax.

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 25th March 1942 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VII OF 1942.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 28th March 1942.)

An Act to amend the Bombay Rent Restriction Act, 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing ;

Bom. XVI of 1939.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5 ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1942.

(*2*) It shall come into force on 31st March 1942.

Amendment of section 1 of Bom. XVI of 1939.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1942" the figures "1943" shall be substituted.

Bom. XVI of 1939.

STATEMENT.

The life of the Bombay Rent Restriction Act, 1939, as amended by Bombay Act No. V of 1941 is due to expire on 31st March 1942. As the object of the enactment is to restrict, in consequence of the levy of the Urban Immoveable Property Tax in the Province of Bombay, the increase of rents of premises, the standard rent of which does not exceed Rs. 80 per mensem and as the levy of the Urban Immoveable Property Tax is not likely to be discontinued in the next financial year it is proposed to extend the life of the Bombay Rent Restriction Act by a further period of one year.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

" True copy - Original papers being of
bad quality - Destroyed".

Superintendent,
D Branch, Legal Department.